

## **REMARKS**

The present Amendment amends claims 2, 4, 9 and 15 and leaves claims 3, 5-8, 10-14 and 16-21 unchanged. Therefore, the present application has pending claims 2-21.

Applicants' respectfully request the Examiner to contact Applicants' Attorney, the undersigned, so as to discuss the outstanding issues of the present application prior to examination.

Claim 2 stands objected to due to an informality noted by the Examiner in paragraph 1 of the Office Action. An amendment was made to claim 2 to correct the informality noted by the Examiner. Therefore, this objection is overcome and should be withdrawn.

Claims 2-21 stand rejected under 35 USC §102(b) as being anticipated by Applicants' alleged admitted prior art as discussed on pages 1-15 of the present application and as illustrated in Figs. 9-14). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 2-21 are not taught or suggested by Applicants' alleged admitted prior art whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

The present invention is directed to a transmission control method for a base station in a spread spectrum communication system having at least one mobile terminal, the base station which operates in the spread spectrum communication system implementing the control method, and the mobile terminal which operates in the spread spectrum communication system implementing the transmission control method.

The transmission control method according to the present invention includes transmitting, from the base station, a first signal via a first channel; receiving, at a mobile terminal in the spread spectrum communication system, the first signal and measuring the received first signal; transmitting, from the mobile terminal, a second signal to the base station generated according to a result of the measuring of the first signal and receiving, at the base station, the second signal and controlling, based on the second signal, a third signal which is to be transmitted to the mobile terminal from the base station via a second channel which is different from the first channel.

An important feature of the present invention, that seems not be recognized by the Examiner, is that according to the present invention the second signal corresponds to the information generated by the signal-to-noise ratio measuring unit 316, based a measurement of the signal-to-noise ratio of the first signal, which is received on a first channel, that the second signal is transmitted to the base station which applies the second signal to a transmission power controller 106 which controls the power of a third signal, and that the third signal is transmitted by the base station on a second channel which is different from the first channel.

The transmission of the first signal on a first channel and the transmission of a third signal on a second channel which is different from the first channel is graphically illustrated in the attached Sketch 1.

To further emphasize the above, it appears that the Examiner has not recognized that the first channel which carries the first signal is different from the second channel which carries the third signal. The Examiner's attention is directed to Fig. 3 of the present application which disclose the circuitry in

mobile terminal and to obtain the first signal on the first channel and the third signal on the second channel.

As illustrated in Fig. 3, a first stage of despreading occurs at the multiplier 304 by use of the P/N generator 305. Thereafter, a second stage of despreading occurs at multipliers 313, 310 and 307. The second stage of despreading is performed by use of different orthogonal codes  $W_0$ ,  $W_n$  and  $W_i$  applied to the multipliers 313, 310 and 307 respectively so as to obtain different signals on different channels, namely first and second channels. As illustrated in Fig. 3 of the present application, the signal-to-noise ratio measuring unit 316 performs measurement with respect to the signal on the first channel by way of orthogonal code  $W_0$ , multiplier 313, accumulator 314 and square unit 315. Further, as illustrated in Fig. 3 of the present application, the decoder 309 outputs decoded received data of the third signal on the second channel different from the first channel by way of orthogonal code  $W_i$ , multiplier 307 and accumulator 308.

It appears from the Office Action that the Examiner does not recognize the above described apparatus incorporated in the mobile station that corresponds to the recitation in the claims wherein the first signal, transmitted by the base station is received by the mobile station on a first channel and the third signal, transmitted from the base station is received by the mobile station on a second channel different from the first channel.

The above described features of the present invention as now more clearly recited in the claims are not taught or suggested by any of the references of record whether said references are taken individually or in combination with each other as suggested by the Examiner. Particularly, the

above described features of the present invention now more clearly recited in the claims are not taught or suggested by Applicants' alleged admitted prior art.

As is clear from the above, the present invention is directed to a feature wherein the first signal, transmitted from the base station is received by the mobile station on a first channel and the third signal, transmitted from the base station, is received by the mobile station on a second channel which is different from the first channel. Attention is directed to the attached Sketch 2, wherein the teachings of Applicants' alleged admitted prior art in Fig. 12 is graphically illustrated.

As is clear from the attached Sketch 2, the alleged first signal and third signal of Applicants' alleged admitted prior art are transmitted from the base station and received in the mobile terminal on the same channel. Applicants' alleged admitted prior art simply discloses that a first stage of despreading is performed using the multiplier 304 and the P/N generator 305 and that a second stage of despreading is performed by use of the multiplier 307 and the orthogonal code  $W_i$  provided by the orthogonal generator 306.

As is clear since only a single orthogonal code  $W_i$  is provided, a single channel is being used for receiving the first and third signals. If multiple channels were used in Applicants' alleged admitted prior art, then a plurality of multipliers would be incorporated therein each having its own orthogonal code different from the other orthogonal codes applied to the other multipliers as in the present invention as illustrated, for example, in Fig. 3. However, such is clearly not the case in Applicants' alleged admitted prior art.

Accordingly, the features of the present invention as now more clearly recited in the claims are entirely different from that taught by Applicants' alleged admitted prior art. In fact, the present invention was intended to overcome the disadvantages of Applicants' alleged admitted prior art, said disadvantages being discussed in the Background of the Invention section of the present application. In this regard, the Examiner's attention is directed to the disadvantages of Applicants' alleged admitted prior art as set forth beginning on page 10, line 25 through page 12, line 16 of the present application.

Thus, Applicants' alleged admitted prior art fails to teach or suggest transmitting from the base station a first signal via a first channel and transmitting from the mobile terminal a second signal to the base station generated according to a result of measurement of the first signal on the first channel as recited in the claims.

Further, Applicants' alleged admitted prior art fails to teach or suggest receiving at the base station the second signal and controlling based on the second signal a third signal which is to be transmitted to the mobile terminal from the base station via a second channel which is different from the first channel as recited in the claims.

Therefore, Applicants' alleged admitted prior art fails to teach or suggest the features of the present invention as now more clearly recited in the claims and as such does not anticipate nor render obvious the claimed invention. Accordingly, reconsideration and withdrawal of the 35 USC §102(b) rejection of claims 2-21 as being anticipated by Applicants' alleged admitted prior art is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 2-21.

In view of the foregoing amendments and remarks, applicants submit that claims 2-21 are in condition for allowance. Accordingly, early allowance of claims 2-21 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.33482CX5).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

  

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Carl I. Brundidge  
Registration No. 29,621

CIB/jdc  
(703) 684-1120